

REMARKS

This communication is in response to the Advisory Action that the Examiner issued on January 13, 2006, in the above-identified patent application. Claims 1-34 and 36-47 are pending in this case. The withdrawal of several earlier rejections is sincerely appreciated.

The Examiner has indicated that claims 3, 10-13 and 27-30 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims. Applicants sincerely appreciate the Examiner's Indication.

Claims 1, 2, 4-9, 14-26, 31-34 and 36-47 are under rejection. Entry of the present amendment is respectfully requested.

I. Claims 1, 2, 4-9, 14-26, 31-34 and 36-47 were rejected under 35 U.S.C. § 112, second paragraph, for use of the term "heterocyclalkyl". That term is now cancelled. Withdrawal of the under 35 U.S.C. § 112, second paragraph rejection is, therefore, respectfully requested.

II. Claims 31-34 and 37-39 remain rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the use of the terms "disease", "administering" and "treatment". Claims 31-34, 36-41 and 43-47 were rejected under 35 U.S.C. § 112, first paragraph, for "disease". The terms and/or claims are now cancelled. Withdrawal of the rejections is, therefore, respectfully requested.

It is respectfully submitted that the above-stated amendments are being made strictly with a desire to advance this case into allowance and not as an admission of non-patentability of any of the cancelled scope/claims.

Applicants are reserving the right to prosecute the withdrawn scope of claims or cancelled claims by way of divisional applications, if they choose to do so.

The amendments to claims 27-30 have been done to overcome the obviousness-type double patenting rejection in the copending Application No. 10/776,988. The compounds the Examiner pointed out have been deleted from the instant claims and some have been moved to the copending case. Applicants believe that the double patenting rejection is overcome with this amendment. Withdrawal of the rejection is respectfully requested.


34

Applicants respectfully request entry of this Amendment. There being no other rejections pending, Applicants believe that the claims are in allowable condition and such an action is earnestly solicited.

If the Examiner has any questions, the Examiner is invited to contact
5 the undersigned.

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Respectfully submitted,



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